

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ALFREDO LARA-HERNANDEZ.

Case No. 11cv1051 BTM(JMA)

Petitioner,

KENNETH O. YOUNG,

**ORDER DENYING AS MOOT
MOTION TO PROCEED IN FORMA
PAUPERIS; ORDER TO SHOW
CAUSE**

Respondent.

Petitioner has filed a “Petition for Writ of Mandamus,” asking the Court to compel Kenneth O. Young, Chief Probation Officer for the Southern District of California to dismiss pending charges against him for violation of supervised release and revocation of supervised release. Petitioner has also filed a motion to proceed in forma pauperis in this matter. However, Petitioner’s Petition is akin to a § 2255 motion for which there is no filing fee. Therefore, the Court finds that the \$350 filing fee does not apply, denies as moot Petitioner’s motion to proceed in forma pauperis, and orders that Petitioner’s Petition be filed without a filing fee.

The Government has submitted a response to the Petition in which the Government explains that the supervised release proceedings challenged by Petitioner are actually pending in the Central District of California before Hon. A. Howard Matz (United States v. Jose Lara-Hernandez, 07cr1207 AHM-1). In light of this information, the Court orders

1 Petitioner to show cause why his Petition for Writ of Mandamus should not be **DISMISSED**
2 because it has been filed in the wrong district and names the wrong respondent. The parties
3 may file a written response to this OSC on or before **June 6, 2011**. The Government shall
4 serve Petitioner with a copy of its May 3, 2011 response to the Petition for Writ of Mandamus
5 forthwith.

6 **IT IS SO ORDERED.**

7 DATED: May 16, 2011



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9 Honorable Barry Ted Moskowitz
10 United States District Judge
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